

ORDINANCE NO. 2001 - 036

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 01-63 COM 1 (SOUTHERN/TURNPIKE); MODIFYING PAGE 63 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 6.69 ACRES LOCATED ON THE NORTHWEST QUADRANT OF SOUTHERN BOULEVARD AND THE RONALD REAGAN TURNPIKE, FROM INDUSTRIAL (IND) TO COMMERCIAL HIGH (CH); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on May 19, 2000 to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes.

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and April 10, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2001 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated June 29, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 27, 2001 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 63 is amended as follows:

Application No.: 01-63 COM 1 (Southern/Turnpike)

Amendment: From Industrial (IND) to Commercial High (CH);

General Location: Northwest quadrant of Southern Boulevard and the Ronald Reagan Turnpike;

Size: Approximately 6.69 acres;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provision of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 The effective date of this plan amendment shall be the date a
9 final order is issued by the Department of Community Affairs or
10 Administration Commission finding the amendment in compliance in
11 accordance with Section 163.3184, Florida Statutes, whichever occurs
12 earlier. No development orders, development permits, or land uses
13 dependent on this amendment may be issued or commence before it has
14 become effective. If the Administration Commission issues a final
15 order of noncompliance, this amendment may nevertheless be made
16 effective by adoption of a resolution affirming its effective status,
17 a copy of which resolutions shall be sent to the Department of
18 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
19 Boulevard, Tallahassee, Florida 32399-2100.

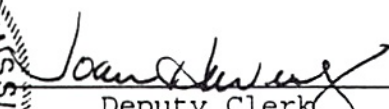
20 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
21 Beach County, on the 27 day of August, 2001.

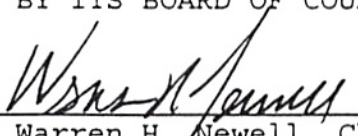
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23 ATTEST:

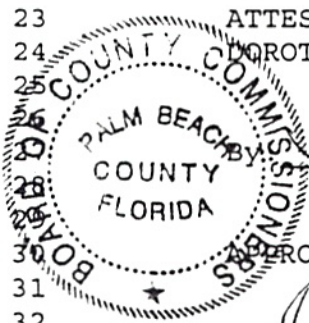
24 DOROTHY H. WILKEN, Clerk

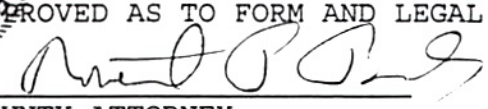
25 PALM BEACH COUNTY, FLORIDA,

26 BY ITS BOARD OF COUNTY COMMISSIONERS

27  Deputy Clerk

28  By Warren H. Newell, Chairman

29  APPROVED AS TO FORM AND LEGAL SUFFICIENCY

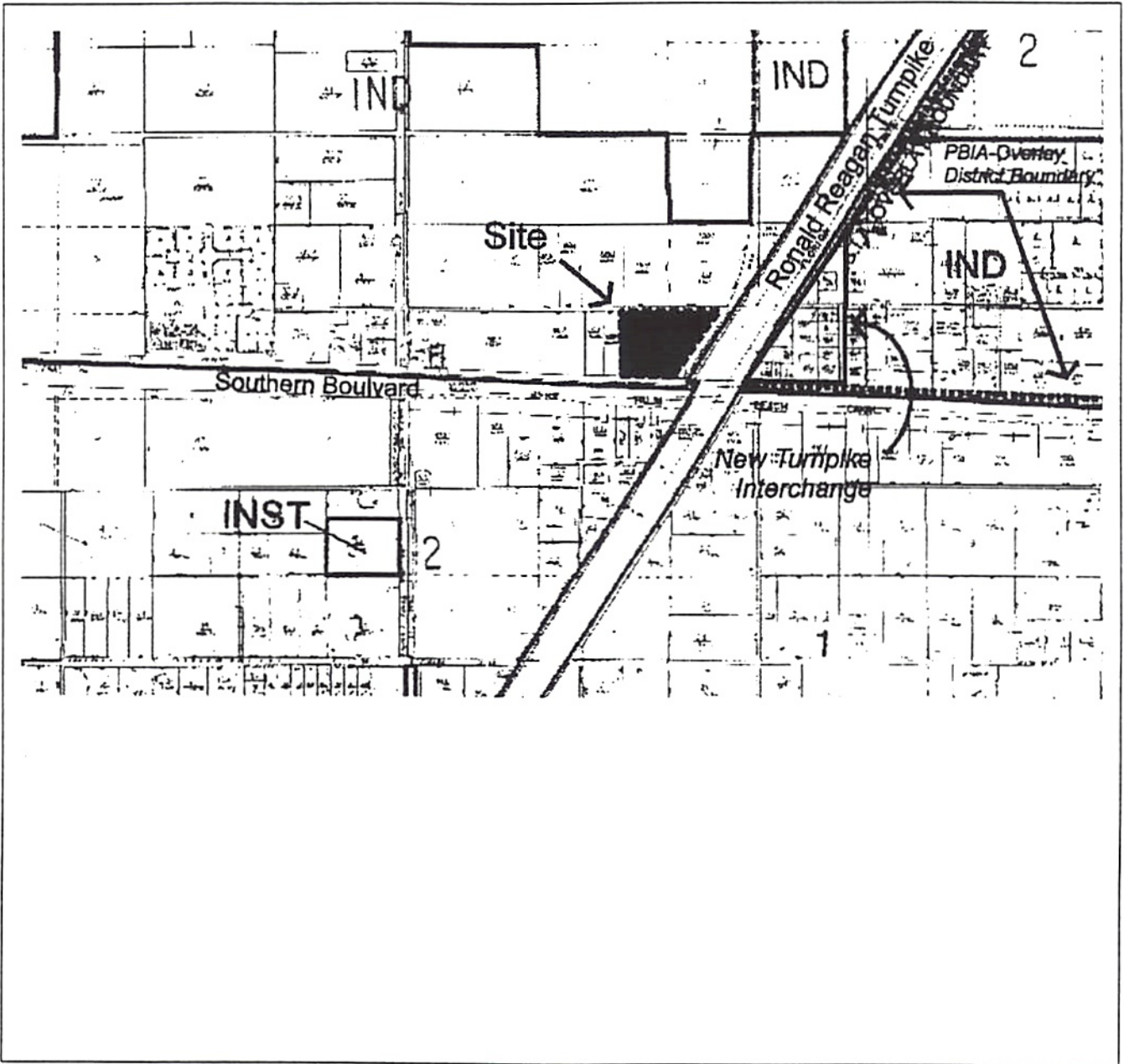
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31 COUNTY ATTORNEY

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35 Filed with the Department of State on the 6th day
36 of September, 2001.
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EXHIBIT 1

A. Future Land Use Atlas page 63 is amended as follows:

Amendment No.: 01-63 COM 1 (Southern/Turnpike)
Amendment: From Industrial (IND) to Commercial High (CH)
Location: On the northwest quadrant of Southern Boulevard and the Ronald Reagan Turnpike.
Size: Approximately 6.69 acres
Property No.: 00-42-43-27-05-006-4000
Legal Description: See attached
Conditions: None



LEGAL DESCRIPTION:

The East half of Tract 41, (Less the West 132 feet thereof and less canal right-of-way) Block 6, Palm Beach Farms Co., Plat No. 3, according the plat thereof on file in the Office of the Clerk of Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45 to 54, inclusive.

Together with:

Tract 40, Block 6, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida, lying North of the Northerly right-of-way line of Southern Boulevard (State Road 80), said Northerly right-of-way lies 165 feet North and parallel to the center line of the South Florida Water Management District Canal C-51 right-of-way as recorded in Deed Book 1049, Page 335, of the Public Records of Palm Beach County, Florida; less the right-of-way for Florida's Turnpike and Pike Road, as recorded in Deed Book 1120, Page 820, Public Records of Palm Beach County, Florida, and less the following two (2) described parcels:

Parcel 101 - Part A

A parcel of land in Tract 40, Block 6, Palm Beach Farms Company Plat No. 3 according to the plat thereof recorded in Plat Book 2, Page 46, Public Record of Palm Beach County, Florida, more particularly described as follows:

Commence at a 5/8" rod and cap (No. 0129) marking the Northwest corner of Tract 42; thence N89°00'44"E along the North line of tracts 42 and 41 a distance of 603.366 meters (1979.54 feet) to the point of beginning; thence continue N89°00'44"E along the North line of Tract 40 a distance of 142.901 meters (468.83 feet) to a point at the intersection of the North line of Tract 40 and the West right-of-way of Pike Road; thence S32°11'48"W along said right-of-way a distance of 159.245 meters (522.46 feet); thence leaving said right-of-way N88°21'09"W 13.382 meters (43.90 feet) to a point lying on a non-tangent curve concave to the Southeast; thence Northeasterly along said curve with a radius of 288.800 meters (947.50 feet), through a central angle of 24°20'03" for an arc length of 122.657 meters (402.42 feet), the chord of said arc bearing N28°51'19"E, thence leaving said curve N25°17'31"W 19.664 meters (64.51 feet); thence S89°00'44"W 94.865 meters (311.24 feet); thence N00°57'08"W 9.144 meters (30.00 feet) to the point of beginning.

Containing 0.4289 hectares (1.060 acres), more or less.

Parcel 101 - Part B

A parcel of land in Tract 40, Block 6, Palm Beach Farms Company Plat No. 3 according to the plat thereof recorded in Plat Book 2, Page 46, Public Record of Palm Beach County, Florida, more particularly described as follows:

Commence at a 5/8" rod and cap (No. 0129) marking the Northwest corner of Tract 42 thence N89°00'44"E (bearings are based upon the right-of-way map for State Road No. 91, Section 97931-(2338) 2334, dated 05-1997, the North line of Tract 40 to 42, Block 6, Palm Beach Farms Company. Plat No. 3 is shown to bear N89°00'44"E and all other bearings are relative thereto), along the North line of Tract 42 and 41, Block 6, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Page 46, of the Public Records of Palm Beach County, Florida, a distance of 603.366 meters (1979.54 feet) to the Northwest corner of Tract 40, Block 6; thence continue N89°00'44"E along the North line of Tract 40 a distance of 142.901 meters (468.83 feet) to a point at the intersection of the North line of Tract 40 and the West right-of-way of Pike Road; thence S32°11'48"W along said right-of-way a distance of 159.245 meters (522.46 feet) to the point of beginning; thence continue S32°11'48"W along said right-of-way a distance of 31.425 meters (103.10 feet) to a point at the intersection said right-of-way and the North right-of-way of State Road 80 (Southern Boulevard); thence N88°21'09"W along the North right-of-way of State Road 80 (Southern Boulevard), a distance of 9.677 meters (31.75 feet); thence departing said North right-of-way line N52°02'36"E, a distance of 9.714 meters (31.87 feet) to a point lying on a non-tangent curve concave to the Southeast; thence Northeasterly along said curve with a radius of 288.800 meters (947.50 feet), through a central angle of 4°14'55" for an arc length of 21.415 meters (70.26 feet), the chord of said arc bears N14°33'49"E; thence leaving said curve along a non-radial line, S88°21'09"E; thence leaving said curve along a non-radial line, S88°21'09"E, a distance of 13.382 meters (43.90 feet) to the point of beginning.

Containing 0.0252 hectares (0.062 acres), more or less.

Said parcel contains 6.692 acres, more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 27, 2001

DATED at West Palm Beach, FL on 9/20/01.
DOROTHY H. WILKEN, Clerk
By: [Signature] 00